

AN ORDINANCE TO AMEND TITLE 15 (PUBLIC SERVICES), BY AMENDING CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.012 (APPLICATION FOR FRANCHISE) TO REVISE SUBSECTION 15.08.012.A ; AND SECTION 15.08.013 (ASSIGNMENT OF FRANCHISE), TO REVISE SUBSECTION 15.08.013A, TO CHANGE THE REFERENCES TO THE POSITION OF CHIEF ADMINISTRATIVE OFFICER TO THE CITY MANAGER

WHEREAS, in February 2004 the citizens of El Paso voted to amend the City Charter to change from a Strong Mayor form of government to a Council-Manager form of government; and

WHEREAS, the amendments contemplated herein are necessary to reflect El Paso's new form of government.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.012 (Application for Franchise), subsection 15.08.012.A be amended as follows:

Section 15.08.012 A. All persons who desire to obtain a franchise for long term use of the city rights-of-way for conducting business within the city shall apply for a franchise. An application packet may be obtained from the city clerk. The application shall be verified by oath of the applicant or the duly authorized representative of the applicant, filed with two complete copies of the application and exhibits, filed with the city clerk and shall, among other requirements, identify the nature of the proposed use of city rights-of-way, the nature of the applicant's business and organization, and the applicant's

authorized representative. The applicant shall also submit with the application a description of the project and the proposed encumbrances. The city clerk shall forward one copy of the application to the city manager and one copy of the application to the office of the city attorney.

Section 2. That Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.013 (Assignment of Franchise), subsection 15.08.013.A be amended as follows:

Section 15.08.013 A Whenever a franchise by its terms requires the city council to approve assignment of a franchise to a third party, a franchisee and proposed assignee who wish to effectuate the assignment of a city-issued franchise shall submit to the city a written application requesting approval of the assignment of the franchise. The application packet may be obtained from the city clerk. The application shall be completed in its entirety prior to acceptance and consideration by the city. The franchise assignment application shall be verified by oath by both the franchisee, or the duly authorized representative of the franchisee, and the proposed assignee, or the duly authorized representative of the franchisee, and filed with two complete copies of the franchise assignment application and exhibits with the city clerk. The applicant shall, among other requirements, identify the nature of the proposed use of city rights-of-way, the nature of the applicant's business and organization, and the applicant's authorized representative. The city clerk shall forward one copy of the application to the office of the city attorney and one copy of the application to the city manager.

Section 3. Except as herein amended, Sections 15.08.012 and 15.08.013 of the El Paso Municipal Code shall remain in force and effect.

Section 4. This ordinance shall take effect on September 1, 2004.

PASSED AND APPROVED this 24th day of August 2004.

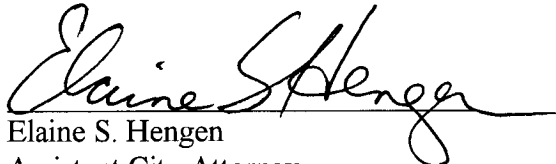
CITY OF EL PASO

Joe Wardy, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Assistant City Attorney